

Monte J. White & Associates, PC
Pamela J. Chaney
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:

James Franklin Mills
and
Juliane Flieher Mills
DEBTOR(s)

§ CASE NO. 11-10043-RLJ-13
§
§ HEARING DATE: 7/29/2013
§ HEARING TIME: 11:00 A.M.

FIRST MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: 07/01/2013

Pursuant to 11 USC 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

I. HISTORY OF THE CASE

1. Date Case Filed: 2/10/2011
2. Date of Section 341 Meeting: 3/15/2011
3. First Payment Date: 3/12/2011
4. Date of Confirmation: 4/4/2011
5. Total Plan Term Prior to this Modification: 60
6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 28
7. Remaining Plan Term (subtract item 6 from the lesser of item 5 or 60 months): 32
8. Amount of Arrears through the month prior to the date the Modification is filed: NONE
9. Date plan payments are to resume: 7/12/2013
10. Total Payments Paid to the Trustee through the month prior to the date the Modification is filed with the clerk: \$30,800.00
11. Total payments due to the Trustee through the month prior to the date the Modification is filed with the clerk: \$30,800.00
12. Total Payments Due to the Trustee from the month the Modification is filed to the month the Modification is set for approval: NONE

13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders:
TRCC 10/26/2011

II. MODIFICATION REQUESTED

(CHECK 1 OR MORE OF THE FOLLOWING 4 CHOICES)

 x DECREASE monthly payment from \$1,100.00 per month to \$500.00 per month
 (must coincide with resume date shown in item 9 above)

Any arrears indicated in item 8 above shall be cured by the following method: N/A

III. RESUMPTION OF PAYMENTS TO THE TRUSTEE

(All information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$500.00 will resume on or before 7/12/2013 for 32 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base amount will change from \$66,000.00 to \$46,800.00

If the base amount has changed complete the following:

- | | |
|--|--------------------|
| 1. Total Paid in as of the month prior to Modification Approval: | \$30,800.00 |
| 2. (+)Plus Total Payments to be made through the Remainder of Plan:
(Making up any arrears in item 9 above) | \$16,000.00 |
| 3. (=) New Base Amount | <u>\$46,800.00</u> |

IV. TREATMENT OF UNSECURED CREDITORS

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2006-1. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

V. SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

C/D;A=ADD;D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT = CHANGE TO

CodeName	Class	Amount	Collateral Value	Interest Treatment	
CT	S-Wells Fargo Bank NA		2006 Ford Focus	\$11,122.90	Surrender in full satisfaction of debt
CT	S-VW Credit, Inc.		2006 Volkswagon Beetle	\$13,754.20	Surrender in full satisfaction of debt

Note: Changes to any creditors above shall not be effective until the Modification is approved.

VI. ATTORNEY FEES

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00 plus \$50.00 in costs, of which \$400.00 will be paid through the Plan by the Trustee.

VII. REASON FOR MODIFICATION

This modification is requested for the following reason(s): Debtors' income and expenses have changed. Debtors wish to surrender 2 vehicles in order to lower Chapter 13 plan payment in accordance with projected disposable income per amended Schedules I & J.

VIII. BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

See Amended Schedules I & J on file with the Court.

Respectfully submitted,

/s/Pamela J. Chaney
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan After Confirmation has been served by me on 07/01/2013, on all parties on the attached matrix, by ECF and/or United States First Class Mail, proper postage affixed.

/s/Pamela J. Chaney
Attorney for Debtor(s)

Label Matrix for local noticing
0539-1
Case 11-10043-rlj13
Northern District of Texas
Abilene
Fri Jun 28 15:32:25 CDT 2013

306 Federal Building
1205 Texas Avenue
Lubbock, TX 79401-4037

AAFS-Mil Star-Exchange
CO Creditors Bankruptcy Service
P O Box 740933
Dallas, TX 75374-0933

BACK BOWL I LLC
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

Back Bowl I, LLC
CO Weinstein & Riley, P.S.
2001 Western Ave., Ste. 400
Seattle, WA 98121-3132

Back Bowl I, LLC, Series C
c/o Weinstein & Riley, P.S.
2001 Western Ave., Ste. 400
Seattle, WA 98121-3132

Capital One Bank -USA, N.A.
P.O. Box 12907
Norfolk, VA 23541-0907

Capital One, N.A.
PO Box 12907
Norfolk, VA 23541-0907

Chase Home Finance LLC
CO BDFTE, LLP
1900 St.James Place Suite 500
Houston, TX 77056-4125

Chase Mtg
Po Box 24696
Columbus, OH 43224-0696

Fifth Third Bank
CO Bankruptcy Dept, MDROPS05
1850 East Paris
Grand Rapids, MI 49546-6253

Fifth Third Bank
PO BOX 829009
Dallas, TX 75382-9009

First Financial Bk Na
400 Pine St
Abilene, TX 79601-5137

(p)FORD MOTOR CREDIT COMPANY
PO BOX 6275
DEARBORN MI 48121-6275

Gemb-jcp
Attention: Bankruptcy
PO Box 103104
Roswell, GA 30076-9104

HSBC Bank Nevada, N.A.
by PRA Receivables Management, LLC
PO Box 12907
Norfolk VA 23541-0907

Hsbc Bank
ATTN: BANKRUPTCY
PO BOX 5213
Carol Stream, IL 60197-5213

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

JPMORGAN CHASE BANK, N.A.
10790 Rancho Bernardo Road
San Diego, CA 92127-5705

JPMorgan Chase Bank, N.A.
3415 Vision Drive
Mail Code: OH4-7302
Columbus, OH 43219-6009

Knox County Appraisal
401 Court Square Suite 105
Barbourville, KY 40906-1463

Lowes - MBGA
Attention: Bankruptcy Department
PO Box 103104
Roswell, GA 30076-9104

(p)MICHAEL REED OR LEE GORDON
PO BOX 1269
ROUND ROCK TX 78680-1269

Mil Star
Attention: Bankruptcy
PO Box 6250
Madison, WI 53716-0250

Monte J. White & Associates, P.C.
402 Cypress, Suite 310
Abilene, TX 79601-5151

Ncs
Po Box 15779
Oklahoma City, OK 73155-5779

OAK HARBOR CAPITAL II LLC
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

PRA Receivables Management, LLC
PO Box 12907
Norfolk, VA 23541-0907

PRA Receivables Management, LLC
POB 41067
Norfolk, VA 23541-1067

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Preferred Credit Inc
PO Box 1679
St Cloud, MN 56302-1679

Sears-Robinson
PO Box 6189
Sioux Falls, SD 57117-6189

TARGET NATIONAL BANK
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

Target
PO Box 59317
Minneapolis, MN 55459-0317

Taylor Co. Central Appraisal District
1534 South Treadaway Blvd
Abilene, TX 79602-4927

USAA FEDERAL SAVINGS BANK
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

Usaa Savings Bank
10750 Mc Dermott
San Antonio, TX 78288-1600

V W Credit, Inc.
PO Box 829009
Dallas, TX 75382-9009

VW Credit, Inc.
PO BOX 829009
Dallas, TX 75382-9009

Volkswagon Credit Inc
CO Brice, Vander, Linden and Wernick PC
9441 LBJ Freeway Suite 250
Dallas, TX 75243-4640

Weldon Coffman
449 Lemons Gap Rd.
Tuscola, TX 79562-1921

Wells Fargo Bank, N.A.
Wells Fargo Auto Finance
Attn: MAC S4015-01T
PO Box 29706
Phoenix, AZ 85038-9706

Wffinancial
PO Box 7648
Boise, ID 83707-1648

James Franklin Mills
210 Brown Ave.
Tuscola, TX 79562-2236

Juliane Flieher Mills
210 Brown Ave.
Tuscola, TX 79562-2236

Pamela Jean Chaney
Monte J. White & Associates, P.C.
American State Building
402 Cypress, Ste. 310
Abilene, TX 79601-5151

UST U.S. Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-1011

Walter 12,13 Ocheskey
6308 Iola Avenue
Lubbock, TX 79424-2735

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Ford Motor Credit Corporation
National Bankruptcy Service Center
PO Box 537901
Livonia, MI 48153

IRS Special Procedures
Mail Code 5020-DAL
1100 Commerce St, Room 9B8
Dallas, TX 75242

(d)Internal Revenue Service
PO Box 21126
Philadelphia, PA 19114

Michael Reed
McCreary Veselka, Bragg & Allen P.C.
PO Box 1269
Round Rock, TX 78680

Portfolio Recovery Associates, LLC
CO Sears Gold Mastercard
POB 41067
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC
CO Sears Premier Card
POB 41067
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

End of Label Matrix
Mailable recipients 47
Bypassed recipients 1
Total 48